

AMENDED IN ASSEMBLY SEPTEMBER 8, 1999

AMENDED IN ASSEMBLY SEPTEMBER 7, 1999

SENATE BILL

No. 780

Introduced by Senator Burton

February 24, 1999

An act to repeal Section 14018.5 of the Welfare and Institutions Code, relating to health.

LEGISLATIVE COUNSEL'S DIGEST

SB 780, as amended, Burton. Medi-Cal: Downey Community Hospital Foundation meetings.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, under which qualified low-income persons are provided with health care services.

Existing law provides that, whenever, by the terms of an obligation, a party incurs a forfeiture or loss in the nature of a forfeiture, by reason of the failure to comply with the terms of that obligation, the party may be relieved from the obligation upon making full compensation to the other party, except under certain circumstances. Existing law specifies that this provision does not apply to reimbursement or prior authorization under the Medi-Cal program.

This bill would repeal this limitation on that provision.

~~The Ralph M. Brown Act generally requires that the meetings of legislative bodies of local agencies be conducted openly. The act defines "legislative body" for purposes of the act as including, among other things, a board, commission,~~

~~committee, or other multimember body that governs a private corporation or entity that receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body by the legislative body of the local agency as a full voting member of the governing body. The act also provides that the legislative body that governs the private corporation or entity is not relieved from the requirements of the act if the status of the legislative member of the governing body of the private corporation or entity is changed to that of a nonvoting member.~~

~~This bill would expressly provide that the members of the Downey City Council may attend any open or closed meeting of the Downey Community Hospital Foundation or any successor or related entity. The bill would further provide that the attendance of less than a quorum of the Downey City Council members at such a meeting shall not be a standing committee of the city council under the Ralph M. Brown Act.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.~~

The people of the State of California do enact as follows:

1 SECTION 1. Section 14018.5 of the Welfare and
2 Institutions Code is repealed.

3 ~~SEC. 2. (a) The members of the Downey City~~
4 ~~Council may attend any open meeting or closed meeting~~
5 ~~of the Downey Community Hospital Foundation, or any~~
6 ~~successor agency, organization, board, entity, umbrella~~
7 ~~board, parent board, member board, and advisory group~~
8 ~~responsible for performing or enabling to perform any or~~
9 ~~all of the functions of the Downey Community Hospital~~
10 ~~Foundation as a result of any reorganization, dissolution,~~
11 ~~merger, restructure, or any transfer of authority, funds,~~
12 ~~assets, or power that takes place after February 8, 1983.~~

13 ~~(b) The authorization provided by this section does~~
14 ~~not in any way limit or diminish the obligation of the~~
15 ~~Downey City Council to comply with all provisions of the~~
16 ~~Ralph M. Brown Act (Chapter 9 (commencing with~~
17 ~~Section 54950) of Part 1 of Division 2 of Title 5 of the~~

1 ~~Government Code). However, less than a quorum of the~~
2 ~~members of the Downey City Council who attend a~~
3 ~~meeting of the Downey Community Hospital~~
4 ~~Foundation, or any other organization described in~~
5 ~~subdivision (a), shall not be a standing committee~~
6 ~~pursuant to subdivision (b) of Section 54952 of the~~
7 ~~Government Code.~~

8 ~~SEC. 3. The Legislature finds and declares that local~~
9 ~~government bonds were used to build the Downey~~
10 ~~Community Hospital on property of the City of Downey,~~
11 ~~that the hospital has received city funds, and that Downey~~
12 ~~City Council members have been appointed to the~~
13 ~~Downey Community Hospital Foundation Board. These~~
14 ~~unique circumstances concerning the involvement of the~~
15 ~~City of Downey in the Downey Community Hospital~~
16 ~~require clarification that the members of the Downey~~
17 ~~City Council may attend any meetings of the foundation~~
18 ~~entities responsible for administering the functions of the~~
19 ~~hospital. Thus, a general statute cannot be made~~
20 ~~applicable within the meaning of Section 16 of Article IV~~
21 ~~of the California Constitution, and the enactment of a~~
22 ~~special statute is therefore necessary.~~

23 ~~SEC. 4. It is the intent of the Legislature that Sections~~
24 ~~2 and 3 of this act shall only apply to the Downey~~
25 ~~Community Hospital and shall not create any precedent~~
26 ~~for future agreements to operate a community hospital~~
27 ~~between the governing body of that hospital and a local~~
28 ~~legislative body.~~